(246)

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1993/SR.23
23 February 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 23rd MEETING (FIRST PART*)

Held at the Palais des Nations, Geneva,
on Tuesday, 16 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

later: Mr. FLINTERMAN (Netherlands)

CONTENTS

Statement by the Minister of Justice of the Republic of Angola

Rights of persons belonging to national or ethnic, religious and linguistic minorities (continued)

World Conference on Human Rights (continued)

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)

* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.23/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-10837 (E)

The meeting was called to order at 3.25 p.m.

STATEMENT BY THE MINISTER OF JUSTICE OF THE REPUBLIC OF ANGOLA

1. The CHAIRMAN invited the Minister of Justice of the Republic of Angola to address the Commission.

2. Mr. TJIPILICA (Angola) said that the current session of the Commission was being held at a time when, despite the end of the cold war, there was an increase in hotbeds of tension and violence in various parts of the world, endangering international peace and security and, consequently, seriously affecting respect for the rights and freedoms of peoples.

3. His Government highly appreciated the efforts made by the international community, and the United Nations in particular, to establish and strengthen peace, the socio-economic development of peoples and the elimination of practices that violated human rights. Without more effective and impartial action, however, the trust placed in the Organization by the world's peoples would be frustrated.

4. The effectiveness of the United Nations bodies entrusted with peacekeeping must be strengthened and they should not be used to satisfy the political, economic or other interests of any country or group of countries. Similarly, all means of international pressure should be used to prevent and discourage threats against the independence, sovereignty and territorial integrity of any country and the free choice of its people.

5. It was no longer possible to tolerate a situation where the Governments of Member States, which were committed to adopting a peaceful and cooperative attitude, promoted violence, and permitted serious and systematic violations of human rights. The intervention by Zaire and South Africa on the side of UNITA in the war being waged by that party in Angola constituted interference in Angolan internal affairs.

6. As was well known, the brief period of peace which Angola had enjoyed following the signature of the Bicesse agreements had been brutally interrupted by UNITA which, rejecting the unfavourable results of the first general elections, declared free and correct by the United Nations and monitored by the international community, had unleashed a new war with the support of the regular Zairian armed forces, mercenaries and logistic support from South African conservatives.

7. Those general elections had been the culmination of a process of political and institutional reforms carried out through the constitutional recognition of the multi-party principle, which had extended the civic and political rights of citizens, and through the creation of conditions for genuine national reconciliation. They had clearly shown the Angolan people's choice regarding the kind of society it desired. That display by more than 95 per cent of the electorate could not be flouted without seriously violating the rights and aspirations of the Angolan people.

8. His Government therefore reaffirmed its determination not to yield to UNITA blackmail and its conviction that no victor could emerge from such a war. The war had been unleashed by a party armed and supported from outside the country. The unbridled ambition of the chief of that party had subjected the Angolan people to still more criminal and unjust suffering and damaged the already precarious living conditions of most of the population.

9. UNITA's crimes had already been condemned by the international community, but more energetic action was required to ensure that it unconditionally accepted the results of the elections and the demilitarization of armed groups and agreed to take its proper place in both Parliament and the Government of National Union.

10. The democratic reforms in Africa, Central and Eastern Europe and elsewhere had led to substantial progress in the field of human rights. Similarly, progress in the search for negotiated solutions to various regional and internal conflicts had given rise to new hopes. Unfortunately, that positive trend was in sharp contrast to the continuing hostilities in Liberia or the situation in Somalia, where the people yearned for a just and durable solution.

11. The people of Mozambique were entering an important phase in their history. The end of a cruel and devastating war could make it possible to accelerate the democratic reforms and economic reconstruction. International assistance was therefore indispensable to ensure that the difficulties which had arisen in similar instances did not recur in Mozambique.

12. The settlement of the fratricidal wars taking place in Europe in the name of the right to self-determination and the rights of minorities was the responsibility of the parties to the conflict, which should refrain from adopting solutions contrary to the interests and aspirations of the majority of the population.

13. Europe was currently witnessing also an irrational wave of racism and xenophobia directed against racial or ethnic minorities and immigrant workers. A widespread campaign promoting human rights, accompanied by firm measures to prevent and punish their violation, was necessary to ensure respect for the moral and physical integrity of those groups.

14. Despite the decisions taken by the current Government with a view to its abolition, apartheid was still a fact of life in South Africa. His Government was concerned at the great number of political prisoners in South African jails and at the incitement to violence among the black population to weaken opposition to apartheid. The progress made so far was the result of the heroic struggle of the South African people against apartheid and of the pressure brought to bear by the international community.

15. The total lifting of that pressure could not but slow down the process of completely dismantling apartheid and encourage conservative forces to continue to deny the black majority its fundamental rights, particularly participation in the exercise of power. So long as apartheid existed, South Africa would continue to be a hotbed of tension and a danger to the countries of southern Africa.

16. Non-respect for the rules of international coexistence had likewise led to serious human rights violations in other parts of the world. In the Middle East, a solution must be found that respected the existence of all the States of the region and recognized the right to self-determination of the Palestinian people and to the establishment of its own State. The direct talks to produce a negotiated solution of the conflict thus constituted a very important step. His Government was opposed to the expulsion of Palestinians by the Israeli authorities and called on them to implement the relevant Security Council resolution.

17. His Government was also concerned at the situation of the people of East Timor, who had not yet been able freely to exercise their right to self-determination. To remedy that situation dialogue was needed between Portugal, the Administering Power, and Indonesia, which was illegally occupying the territory.

18. The peoples of the third world could not enjoy their economic and social rights effectively as long as their economies remained weakened and their economic and scientific development was hampered by a lack of financial resources. In view of the close link between economic and social rights and civil and political rights, the underdeveloped countries would be able to build fairer and more democratic societies only if they could offer their citizens equal participation in the distribution of wealth.

19. His Government would spare no effort to cooperate with the international community in the promotion, protection and effective guarantee of the rights and freedoms of all human beings. Nevertheless, there was a disturbing tendency to use human rights for political purposes, which could lead to interference in the internal affairs of States.

20. The forthcoming World Conference on Human Rights would, he felt sure, make it possible to find new machinery for an improved protection of human rights in the world.

21. Mr. Flinterman (Netherlands) took the Chair.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (continued) (E/CN.4/1993/85; E/CN.4/1993/NGO/21)

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 25) (continued)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 22) (continued) (E/CN.4/1993/62 and Corr.1 and Add.1, 63 and 86; E/CN.4/1992/52)

22. Mr. RIMDAP (Nigeria) said that the Constitution of his country forbade discrimination against individuals, groups or organs on the basis of sex, ethnic origin, and religious affiliation. Nigeria was a multi-ethnic, multilingual and multireligious country where every group and individual enjoyed the freedoms and rights guaranteed in the fundamental human rights instruments. While the individual was a primary beneficiary of human rights, the need to protect groups was also recognized.

23. His delegation hoped that the adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities would provide a sufficient framework for addressing the many cases of discrimination against minorities still existing in some parts of the world.

24. It was greatly concerned, however, at the current upsurge of intolerance, violent discrimination and widespread xenophobia within many European countries. If such violence was allowed to continued unchecked, it might engulf not only Europe but also Asia and America. It therefore called on the Commission, national human rights bodies and Governments to assist in putting a halt to that dangerous phenomenon. Minority groups everywhere should be accorded protection under the law wherever they lived. In that connection, his delegation expressed its appreciation of the second progress report of the Special Rapporteur on the subject (E/CN.4/Sub.2/1982/37 and Add.1 and 2) and fully endorsed the recommendations it contained.

25. Following the proclamation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the search for effective ways of ensuring its satisfactory implementation had dominated the attention of the Commission and the Sub-Commission. His delegation therefore welcomed the declarations adopted by the Organization of African Unity in July 1992 and the tenth Summit of Heads of State and Government of the Non-Aligned Movement in September 1992 condemning religious extremism and terrorism. The next step was for the Commission to consider the preparation of a binding international instrument on the elimination of intolerance and discrimination based on religion or belief.

26. Mr. HUSSAIN (Pakistan) said that some disturbing recent developments, from ethnic cleansing in Bosnia to the demolition of the 500-year-old Babri Mosque in India and the killing of Muslims in Bombay, pointed to an upsurge of premeditated violence against Muslims. The demolition of the Babri Mosque, a wilful and pre-planned action, was a watershed event that demarcated the myth of Indian secularism from the reality of Hindu fundamentalism. It was an act that violated the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

27. His delegation failed to understand the Indian Government's inaction when the purpose of the march on the Mosque had been well-known, as Indian press reports confirmed, and when 40,000 paramilitary troops had been available in the neighbourhood. Clearly there had been complicity by the Government, which did not flinch from the use of massive and brutal force in occupied Kashmir. The Indian Government had promised to rebuild the Mosque, a promise which had not been kept.

28. Muslim Governments and peoples throughout the world had reacted strongly to that sacrilege, as a resolution by the Organization of the Islamic Conference (OIC) had made clear. It called upon the Government of India to rebuild the Mosque on its original site and to take effective measures to protect the human rights of the Muslims of India.

29. Following the demolition of the Mosque, large numbers of Muslims had been killed in widespread rioting in India, particularly in Bombay, which was supposedly India's most secular and cosmopolitan city. The predominantly Hindu Indian police had not only failed to protect the Muslim minority but, according to the New York Times and Time magazine, had played a major role in abetting and directing the anti-Muslim outrages. The Special Rapporteur, who had deplored the demolition of the Babri Mosque in his report (E/CN.4/1993/62, para. 80), should initiate a detailed inquiry into the incidents of persecution of the Muslim minority in India following that incident.

30. The events in Bosnia and India were not merely human rights violations but tragedies whose repercussions were felt beyond the borders of the countries concerned. They exacerbated divisions in a world polarized by race and religion, a world in which double standards of tolerance were reinforced. The universal application of human rights declarations required that principles take precedence over pragmatism, so that such double standards did not become a permanent feature of the world in the aftermath of the cold war.

31. Mr. DESSER (Austria) said that his delegation welcomed the adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which provided useful and timely guiding principles in view of the acuteness of the problems resulting from minority conflicts. Its provisions had, however, to be applied.

32. There were two prerequisites for ensuring that the Declaration became a determining factor for the well-being of minorities. The first was the requirement to adopt and apply positive policies in favour of minorities and the second was the active and effective participation of minorities in public affairs, and the decision-making process. The status of the minorities and their identification with government policies would thus clearly be enhanced and that could contribute in many positive ways to the cultural heritage and stability of whole regions.

33. His country's long-standing concern for the welfare of national and other minorities was based on its conviction that those minorities should be offered every opportunity to develop their identity, culture and economy in accordance with their own traditions and wishes.

34. The notion of development was an integral part of any system genuinely aimed at protecting minorities. It was not in their interest to be confined within rigid protective schemes having a petrifying effect on their institutions and traditions. The necessary flexibility could be achieved only if the status of persons belonging to such minorities was clearly defined by international law, adequately safeguarded by domestic legislation, and effectively upheld in practice by the responsible administrative authorities. Respect for the human rights and fundamental freedoms of every individual belonging to a national minority must be guaranteed both nationally and internationally.

35. The Commission's future work on the protection of the rights of minorities should concentrate on the effective implementation of the Declaration, and his delegation was currently engaged in consultations with a view to submitting a draft resolution which, it hoped, could be adopted by consensus.

36. Mr. VENERA (Czech Republic) said that, although international law had a long tradition and practice of protecting specific minorities, it was difficult to find legal solutions that were universally applicable. The relations between ethnic groups were sometimes very complex, and there was hardly any State in which everyone spoke the same language, belonged to the same race and shared the same culture, beliefs and traditions. The example of Bosnia and Herzegovina demonstrated how minority issues could lead to tremendous human suffering and hatred.

37. Forming part of Central Europe, which was ethnically very diverse, his country welcomed the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which reflected a minimum standard that was generally acceptable. That standard should, however, be further developed and its provisions made more specific so as to provide clearer guidelines for national legislation.

38. His Government commended the Special Rapporteur on his second report (E/CN.4/Sub.2/1992/37 and Add.1 and 2), and agreed with his conclusion that it was extremely important to explore the possibilities of instituting or making better use of recourse procedures and international assistance in the resolution of conflicts. It also believed that further promotion of the international legal standards regarding minority rights should be the responsibility primarily of multilateral forums, although bilateral discussions on specific issues should not be excluded where appropriate.

39. In general, his Government thought it preferable that the United Nations should concentrate on more effective implementation of existing human rights standards, rather than on drafting new ones. Nonetheless, due to the urgency of the problems involved, it would not oppose new and constructive proposals which might enhance the protection of minorities, the more so as the adoption of special measures in favour of persons belonging to such minorities was often needed to ensure their real equality with members of the majority population.

40. Mr. THOMSON (Australia) said that serious problems regarding the protection of minorities could arise during the creation of nation States when minority groups found themselves divided by national borders, when diversity within the community was not recognized, and when discriminatory and repressive practices prevailed. In some cases there was a grave risk that violence would be used as a means of resolving the conflict, and that it could spread beyond the borders of the State, thereby creating a threat to international peace and security.

41. His delegation had listened with great concern to the statement by the Special Rapporteur on former Yugoslavia describing the tragic consequences of one such conflict, and particularly the repugnant policy of ethnic cleansing, but there were many other areas in the world in which minority issues continued to generate significant human rights problems.

42. At the other end of the spectrum were multi-cultural societies, such as his own, where ethnic groups and minorities were recognized as valuable elements within society and where the State took a positive view of cultural diversity, pursuing policies aimed at providing equitable access to national resources and encouraging the active participation of recent immigrants at all levels of society.

43. Effective anti-discrimination legislation was also essential, and in that regard national institutions could play a valuable role. The United Nations should urge States to ratify and implement the major human rights instruments and accept their individual complaints mechanisms. The Commission itself must develop suitably flexible machinery to enable it to respond in a timely and appropriate way to serious problems as they arose. International machinery to provide early warning of minority conflict, would also be useful in helping the international community to prevent full-scale conflict through prompt investigation of allegations of systematic discrimination.

44. The General Assembly having adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Commission would have to consider how it was to be implemented and further consideration should be given to the question when the Special Rapporteur on the protection of minorities submitted his final report. At its current session, the Commission might examine the feasibility of a programme, within the context of the advisory services programme of the Centre for Human Rights, to assist States to prevent and resolve problems related to minorities.

45. His Government's commitment to a pluralist society was reflected in the National Agenda for a Multicultural Australia, launched in 1989, which was designed to achieve a more just society that respected the dignity and human rights of all Australian residents. His Government's policies involved the acceptance of an overriding and unifying commitment to the country and the basic structures and principles of its society, together with a recognition of the right of others to express their views and values. Within that context, all groups were entitled to maintain their cultural identities and heritage.

46. There were at least 3,000 ethnic community organizations in Australia, under the umbrella of the Federation of Ethnic Communities Councils of Australia which received government funding although its activities were in no way subject to government control.

47. His delegation, which condemned all excesses of xenophobia and ethnic nationalism, urged the Commission to maintain its focus on the protection of minorities and to continue to study ways in which the United Nations could further promote peaceful and constructive solutions to minority problems.

life and welfare of all the people in that country. In the case of Myanmar, whatever the Government does, it is criticized. All countries should respect human rights without distinction and Myanmar had done its best in that direction.

45. In this regard, General Khin Nyunt said that the three new townships seen by the Special Rapporteur were projects which has endeavoured to improve the life, welfare and economic and social rights of the people. Hlaing Thaya was a place where the poorest people of Yangon had moved. They used to be the illegal dwellers of temples and cemeteries. In this township, the Government had tried to improve the living conditions of the residents by establishing schools, hospitals and other facilities. People were given land free of charge. In Dagon New Township, there are also some more well-to-do people. There are markets and schools and a university would be established soon.

46. He cited the border areas' construction projects of roads and bridges. He said that local inhabitants were voluntarily cooperating in these development projects. Accusations of forced labour were distorted. Such accusations, he said, "are disseminated by the terrorist people and groups".

47. He said in regard to persons who did not make contact with the Special Rapporteur, that there may have been some who did not wish to see the Special Rapporteur. It was not because the Government prevented them from doing so, but because they are engaged in illegal activities. Those who break the law will do the same after their release. He said that some released prisoners were having relations with the minute terrorist groups. There are also some people from political parties who may break the law. They were free to engage in business or other legal activities, but not illegal activities. In any country, law and order must be maintained. Those who break the law must be punished.

48. He said that the slanderous stories about torture and ill-treatment were not true. There may be some prison wardens who treat prisoners badly. They are disciplined in accordance with the law. He said that the Special Rapporteur had been allowed to see more than he had seen the previous year at Insein Prison. The reason why he was not shown more this year, was that there was concern that some prisoners might have caused harm or presented danger to the visitors.

49. He said that during the Special Rapporteur's visit to Rakhine state he saw a lot and could see that the stories coming out were not true. He said that the Special Rapporteur had observed the Mayor's (foot) marathon. The people were enjoying that event enthusiastically. It was not something that a Government could arrange. The event was the third one and had been planned way in advance and not to coincide with the visit. At the end of the month, there would be the traditional boat regatta which many people would attend.

50. He stated that regarding actions by military personnel, Myanmar has a green book which explains rules and regulations to be followed by the members of the armed forces including those concerning punishment in case of violations. Such violations will be tried by a court martial. In the case of serious offenses such as murder or rape, the case may be transferred to an

ordinary court to assure impartiality. These rules and regulations are strictly applied and there is no way that a member of the armed forces would violate the human rights of the ordinary people.

51. He said that the green book was distributed from generals down to the lowest soldiers. The Government does not deny that in the heat of fighting, these regulations may be violated, but the media exaggerates. As soon as such an incident is known, immediate action is taken.

52. He said that his Government knew that one of the two ladies accompanying the Special Rapporteur (the person referred to was the qualified interpreter for the Special Rapporteur) participated in an anti-government demonstration in front of the Embassy of Myanmar in London on 27 May 1991. He said he would show the Special Rapporteur two pictures to prove this. In spite of knowing this, the Government accepted the Special Rapporteur because they thought they should pay respect to him. He said that even after the Special Rapporteur came to Myanmar, her orientation was to organize meetings between the Special Rapporteur and anti-government groups. He stated that he said this not to complain, but simply to call the Special Rapporteur's attention to the fact.

53. He ended the meeting by stating that the Government was attempting to develop the country politically, economically and socially, and that although there were problems, they would overcome them. They could not destroy or disintegrate the country. They would carry on action in accordance with the law against any activity aimed at disunity and destruction of the country.

54. Politicians were quite free to go about their business and to travel freely in the country with the permission of the Government. However, they could not be allowed to disturb the peace and tranquillity or bring about disorder. In order to understand the human rights situation in the country, the situation had to be seen in the total framework as explained by him. The Government is not repressing the people tightly.

Visit to the three new townships

55. The Special Rapporteur was taken on 11 December 1992 to the three new townships, Dagon, Shwe Pyi Thar and Hlaing Thaya. Dagon Township lies about 45 minutes outside of Yangon on the banks of the Nayoma Creek and can be reached by crossing a small bridge on the road which connects it to Yangon. At Dagon New Township, the Special Rapporteur was shown the site of the new university which is to replace Yangon University. The professors from Yangon University will be transferred to the new university. Yangon University will then be used as a post-graduate University. In the first phase the University will accept 5,000 students in August of 1993 and eventually will accommodate up to 80,000 students in a self-contained community with its own water system, hospital, transportation and residential facilities. The education will be partly subsidized by the State.

56. The Government informed the Special Rapporteur that people from Yangon and other areas voluntarily moved to Dagon for a better life. There, they were afforded a plot of land for a nominal fee and were allowed to construct

their own homes. There is a hospital, a new water system, elementary and secondary schools, businesses and other means of livelihood for the inhabitants and low-cost transportation to Yangon.

57. Shwe Pyi Thar is a new township populated by some people who, according to the Government, moved voluntarily, and others who were forced to move because they were living illegally in the city as squatters or homeless persons. For 5,000 kyats they may buy a plot of land 20 feet by 60 feet and may build their own home. Most of the inhabitants are day labourers who earn between 30 to 75 kyats per day and the Government gives some subsidies for the purchase of the land.

58. Here too, there is a hospital, markets, schools and other facilities for the self-containment of the community. The Special Rapporteur was taken for a tour of the approximately 20 to 25 bed hospital where the Special Rapporteur was told that people were being treated for dysentery, tuberculosis and other respiratory diseases, natural and problematic pregnancies and some nutritionally related diseases. The Special Rapporteur was also shown a new youth sports facility with a demonstration by the children of all the activities.

59. Hlaing Thaya is the largest of the new townships with 150,000 inhabitants. It may be reached by ferry boat. The Special Rapporteur was shown the sections first developed and inhabited before 1988. The inhabitants are mostly formerly homeless persons who had been living illegally in cemeteries in Yangon. The Government told the Special Rapporteur that the persons were not forcibly moved, but that once they were told that they were living illegally, they chose to move to Hlaing Thaya. There is a Yangon City Development Committee, which oversees its development and a Director of the Human Settlement Housing Development. There is a committee for the development of plots of land 20 feet by 40 feet, which generally cost 1,500 kyats, but if the family cannot afford this, the Government subsidizes the land. The families build their own homes.

60. Most of the inhabitants were said to be jobless but the Government is trying to find jobs for them. There is social welfare and schooling. There is a 25 bed hospital, which the Special Rapporteur was unable to see due to lack of time. On the way back to Yangon, the Special Rapporteur was shown a modern highway and overpass construction site which had been recently built.

Visit to Insein Prison

61. At Insein Prison the Special Rapporteur was given an extensive tour of the grounds, on which new vegetables and flowers had been planted. He was shown the workshop buildings, the tower, prisoners taking their afternoon bath, the hospital, which appeared to house prisoners instead of sick persons, and a small kitchen with freshly prepared pots of food. The facilities had been freshly painted.

62. The Special Rapporteur was not allowed to see any of the detainees he had requested to meet. These prisoners were detained under SLORC Order 1/88 prohibiting the assembly of five or more persons or under the 1950 Emergency Provisions Act. Several of them belonged to political parties, some were

students and one was a monk. In the case of the monk, U Zaw Tika, the Special Rapporteur received allegations while in Myanmar, that he had died from torture received while in custody at Insein Prison. The authorities told the Special Rapporteur that such a person, as far as they knew, did not exist. The authorities stated that when a monk is arrested, he is defrocked and given a lay name, and suggested that this could be the reason why they were unaware of any such person. According to the prison authorities, five of the detainees the Special Rapporteur requested to see were in good health. These are: U Tin Oo, U Kyi Maung, Zagana, Min Lo Naing and Tin Tun. Five others were reported as "not known to the authorities". They are: U Win Tin, U Khun Sai, U Tun Shwin, Myint Sein and U Shwe Tin.

63. The Special Rapporteur had made a request in writing on the first day of his stay in Myanmar as to the detainees he wished to see and asked for free access to those and other detainees at Insein Prison.

64. After repeated requests made orally, the Special Rapporteur was told that the higher authorities do not interfere with the running of the prison and that the request should be made to the prison authorities. At the time of the prison visit, the prison authorities stated that they were unable to comply with the Special Rapporteur's request to see the detainees because they required authorization from higher authorities. Subsequent to the prison visit, it was explained to the Special Rapporteur that the reason he was not allowed to see the detainees is because the Government was concerned "that some prisoners may give harm or danger to visitors".

Visit to Rakhine state

65. The Special Rapporteur made a one-and-a-half day trip to Rakhine state where he was able to speak with a number of Myanmar Muslim village leaders and to ask them about religious and ethnic tolerance. The villagers were assembled by the Government and Government authorities were seated with the Special Rapporteur during the encounter. Some other villagers were also asked questions by the Special Rapporteur as he passed by with the Government officials.

66. Other persons in Yangon whom the Special Rapporteur had formally requested to see and many persons with whom he either wished to make contact or who had expressed a wish to see him, were not allowed to receive or speak to the Special Rapporteur. Almost all of these persons were visited by the military intelligence. The Special Rapporteur was told that "... persons are free to engage in business or other legal activities but not in illegal activities. There may be some who do not wish to come to see you. It is not because the Government is preventing (them) from seeing you but because they are engaged in illegal activities."

71. Mr. DATO' MUSA HITAM (Malaysia) said that the world simply could not afford to accept that national, ethnic, religious or linguistic minorities could pursue their rights to the extent of breaking up nation States; similarly, it was unacceptable for States to commit aggression and to strive for territorial expansion on the pretext of protecting their brethren living as minority groups in other States. That would cause a complete disintegration of the international system of independent nation States. The protection of minority rights must thus be ensured in a way that did not endanger the national unity and territorial integrity of States.

72. The subject was of enormous importance to Malaysia, a multi-ethnic and multireligious society. In addition to Malays, Chinese, Indians, Dayaks and Kadazans, there were also more than 30 other indigenous groups. Many critics, particularly in the West, had predicted that political instability and ethnic and religious conflicts would tear the country apart. However, realizing early on that tolerance for different ethnic and religious values and traditions and respect for the rights and ways of life of minorities were essential for national unity and economic modernization, Malaysia had established a multiracial and multireligious Government.

73. Following the 1969 race riots, his Government and people had agreed on certain guidelines for a democratic multiracial and multireligious society. An economic policy had been launched to restructure society so as to ensure that economic vocation could no longer be identified with any particular ethnic or religious group and to promote equitable economic growth for all ethnic communities. Preference had been given to moderate growth with equitable distribution rather than higher growth of an inequitable kind.

74. There was a national consensus that, in a multi-ethnic and multireligious society like Malaysia's, a certain degree of discipline and restraint was required so that the pursuit of the interests of individuals or ethnic or religious groups would not develop to the extent of destroying democracy and the Malaysian nation. It was not impossible that excessive emphasis on freedom of expression, without consideration of its dire consequences for the interests of the community, might have contributed to ethnic and religious tensions elsewhere in the world.

75. Anyone who travelled through Malaysia would see a large number of mosques, churches and temples as well as modern multiracial shopping and housing complexes, a testimony to racial and religious tolerance in the country. The races lived side by side, and it was unthinkable to divide the nation along ethnic and religious lines, a solution which, most surprisingly, was being pursued by the Vance-Owen peace plan for Bosnia and Herzegovina.

76. Countries with multi-ethnic and multireligious societies must find their own solutions. However, the underlying factors remained strong and good governance, a disciplined and productive society, equitable economic growth, tolerance, and vigilance to nip in the bud any signs of extremist ethnic and religious manifestations. Excessive emphasis on individual minority rights would weaken the multi-ethnic and multireligious fabric of nation States.

77. Mr. DRZEWICKI (Poland) said that, while it was true that minority rights questions had increasingly become a direct or indirect source of internal and international conflicts, the contribution made by minorities in enriching the societies they belonged to should not be overlooked and States should not only protect their rights and freedoms but should also undertake affirmative actions to help them develop their own cultures and traditions.

78. His delegation had played an active role in the preparation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and welcomed its adoption by the General Assembly as an important step in providing international criteria for the protection of minorities, setting out their rights and responsibilities and the obligations of the States concerned.

79. Although the Declaration did not specify procedures for its implementation, the accompanying General Assembly resolution called on the relevant organs and bodies of the United Nations and representatives of the Commission to give due regard to the Declaration within their mandates. It was therefore clear that the General Assembly expected the Commission on Human Rights to take appropriate measures in that respect and his delegation favoured keeping the item on the Commission's agenda.

80. The Commission should focus on the implementation of the Declaration in two ways. First, there was an urgent need to establish a framework of advisory services to assist Governments and provide for exchange of experience. Secondly, a system of good offices and a monitoring and warning mechanism should be developed to deal with existing and potential conflicts caused by alleged violations of minority rights in different parts of the world. With that in view, the Commission should appoint a special rapporteur for the protection of minorities.

81. Mr. AINSO (Observer for Estonia), speaking in exercise of the right of reply, said he was surprised at the accusations levelled against Estonia and Latvia by the representative of the Russian Federation, since it had been agreed that the Secretary-General would report to the General Assembly on the results of the United Nations fact-finding missions to the two countries, a process which had not yet been completed. In any case, reports prepared by the Conference on Security and Cooperation in Europe and the United States State Department had found no systematic human rights violations in Estonia.

82. It was a well-known fact that illegal and massive population transfers during the 50 years of Soviet occupation had changed Estonia's ethnic composition and threatened its very survival as a nation. His Government was endeavouring to deal with that situation equitably, and it was regrettable that the representative of the successor of the offending State should be trying to undermine Estonia's sovereignty, rather than acknowledging past injustices and offering constructive solutions.

83. His Government had rejected the option of forced repatriation, which would have been a human rights violation, but was offering encouragement and financial assistance to those who wished to return voluntarily to their country of origin. Those who chose to remain had been offered permanent resident status with a choice of citizenship and full human rights guarantees.

It had rejected the zero option for citizenship, i.e. automatic citizenship for all residents, in the belief that it would generate civil strife, as had happened in Moldova and Georgia.

84. The compromise his Government had adopted was the re-establishment of the country's previous political institutions with integration of non-citizens according to the accepted standards of international law. A nominal language requirement for citizenship applicants had been adopted, with special provision for the elderly and disabled. The one-year waiting period for non-citizens was more favourable than the three-year period required under the 1938 citizenship law.

85. Estonia had been one of the first States in Europe to adopt a minority rights law in 1925 and, shortly before the re-establishment of independence in 1989, it had passed an ethnic rights act allowing free choice of ethnic identity and encouraging the development of ethnic cultures, followed by a more comprehensive act in 1992. Minorities were allowed to establish cultural councils and foundations, eligible for State support, while those with more than 3,000 persons were granted the right to cultural self-government.

86. The benefits of the act extended to persons who were transferred to Estonia during the Soviet occupation, although they did not constitute a traditional minority. They were thus entitled to use their own language in dealings with public authorities, to establish educational, cultural and religious organizations and maintain direct contacts abroad. Furthermore, all permanent residents were entitled to vote in local and district elections, a right that very few States allowed to non-citizens.

87. Mr. LONTAI (Observer for Hungary) said that recent events in the former Yugoslavia had clearly shown that the violation of the rights of national and ethnic minorities could jeopardize international peace and security. It was thus increasingly important to protect those rights. The protection of the rights of minorities and the development of their identity, culture and traditions also served the interests of the majority by enriching society as a whole, facilitating ties with neighbouring countries and encouraging solidarity and tolerance.

88. It was not sufficient merely to prevent discrimination against minorities; specific legal and economic measures were also needed to address the natural handicaps they faced, together with preferential treatment, whether or not such treatment was reciprocated. His Government also considered that minority rights should be regarded as collective rather than as individual human rights.

89. His Government was striving to incorporate those principles in Hungarian legislation and had played an active part in developing and implementing the various regional international instruments for the protection of minorities as well as concluding several bilateral conventions to that end.

90. His delegation welcomed the adoption by the General Assembly of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, but felt that further measures were desirable. In particular, the Secretary-General should be asked to examine

the application of the principles and provisions of the Declaration in the law and practice of Member States and keep the Commission regularly informed. The relevant United Nations organs, including treaty bodies, working groups, special rapporteurs and the like, should be aware of the need to monitor closely the implementation of the Declaration. The protection of minority rights should be given due weight at the forthcoming World Conference on Human Rights; the Special Rapporteur on the subject should continue his good work; and the Commission would devote close attention to the issue at its future sessions.

91. Mr. PRIELAIDA (Observer for Lithuania) said that the Baltic States and other Eastern European republics were particularly sensitive to the problems of minorities after experiencing 50 years of occupation, mainly because they did not wish to impose on others what they themselves had suffered.

92. Lithuania counted among its population 109 different nationalities in varying proportions and its Constitution guaranteed national minorities the right to develop their cultures, practise their religions, use their mother tongues and enjoy all the rights provided under article 27 of the International Covenant on Civil and Political Rights. In addition, a special Government department had been set up to monitor respect for minority rights.

93. Russians constituted the largest minority group in Lithuania and their needs were catered for by numerous Russian-speaking schools and places of worship, together with Russian-language newspapers, radio and television programmes, cultural organizations, kindergartens and the like. Unfortunately, no similar facilities existed in Russia for Lithuanians who had been deported there and were struggling to survive in a hostile environment.

94. However the Russian Federation sought to present the question of Russian minorities in the Baltic States, it was inevitably linked to the presence there of the troops of the former Soviet Union. Bellicose statements by leading Russian personalities were thus most disturbing. Negotiations for the withdrawal of Russian troops were currently under way and, given the decrepit military installations and the disastrous environmental situation they were leaving behind them, Lithuania would be glad to see them go.

95. It should not be forgotten that 75 per cent of the Russian minority had voted in favour of Lithuanian independence in the referendum of 10 February 1991. There would be no problem with the Russian minorities in the Baltic region if it were not for the inflammatory actions of those nostalgic for the former regime and its lost empire.

96. Mr. Ennaceur (Tunisia) resumed the chair.

97. Mr. TORELLA di ROMAGNANO (Observer for Italy) said that his delegation welcomed the adoption by the General Assembly of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities as an important universal document filling in a gap in the network of international instruments. There was a growing need for a body of principles such as those enshrined in the Declaration and the recent tragic

events in certain countries had clearly shown that social and political stability, freedom and democracy could not be ensured unless the existence and identity of all ethnic, religious and linguistic groups were safeguarded.

98. His delegation welcomed the studies currently under way in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which were aimed at clarifying social and legal questions in the field, and looked forward to the final report of the Special Rapporteur on the subject.

99. Although the Declaration did not provide a clear-cut definition of minorities, it was clear from its provisions that their status should be kept distinct from that of peoples, in that only the latter were entitled to exercise the right to self-determination. Nevertheless, minorities were entitled to have their own ethnic, cultural, linguistic and religious identities recognized and protected within the society in which they lived, in respect for their rights, which could be exercised individually or collectively. To ensure their full enjoyment of those rights, local policy measures and international cooperation might be needed, and both should be inspired by the principles contained in the Declaration. In that connection, his own Government had found successful solutions to questions connected with the protection of linguistic minorities living within its territory, which could serve as a model for others.

100. The principles embodied in the Declaration should serve as the main point of reference for the legislative and administrative practice of States and their implementation at the national level which would help remove a major source of tension. It was therefore highly desirable that the Declaration should be widely disseminated and understood and that all relevant United Nations bodies should take due account of it in their activities. His delegation was ready to consider any concrete proposal concerning appropriate ways and means for the effective implementation of the Declaration.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.23/Add.1.